

1:06cv97

Defendant.

ORDER

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Review of the court's file indicates that defendant did not receive the Permanent Injunction until May 2, 2007, not because of any fault of the court or the plaintiff, but because he failed to notify this court of his change of address until April 30, 2007. Thus, defendant's failure to receive the Permanent Injunction is solely attributable to his own actions. Under the terms of the Permanent Injunction, defendant's compliance with paragraph 4 was due to be complete by March 9, 2007, well before his records or computer were seized.

At this point, the court has only a motion seeking to alter a term of a Permanent Injunction which is no longer executory. Further, close review of defendant's motion reveals that it has not been served on plaintiff. Plaintiff has not yet moved to enforce such provision of the Permanent Injunction through contempt. The court believes that *ex parte* modification would be inappropriate and that defendant should first discuss the matter with counsel for plaintiff in an attempt to work out a method of compliance. Perhaps, the parties could consider compliance with paragraph 4 of the Permanent Injunction through placing a copy of the Permanent Injunction in the newspaper of each town in which defendant conducted his tax preparation business. If defendant lacks funds to pay for such publication, perhaps the government could pay for the publication, with the costs taxed to defendant through a consent Order.

Assuming defendant has no access to his records in this proceeding, defendant is advised that this is the information he will need to contact and serve opposing counsel:

Lawrence Paul Blaskopf
U.S. Dept. of Justice
P.O. Box 227 Ben Franklin Station
Washington, DC 20044
(202) 514-9642

ORDER

IT IS, THEREFORE, ORDERED that defendant's Motion to Modify
Permanent Injunction by Consent (#40) is **DENIED** without prejudice.

Signed: May 10, 2007

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Dennis L. Howell
United States Magistrate Judge

